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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/434,268
Filing Date	11/05/1999
First Named Inventor	O'Brien
Art Unit	2176
Examiner Name	Rachna Singh
Attorney Docket Number	JP919990716US1

Total Number of Pages in This Submission: 38

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
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- [ ] After Allowance communication to Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief*)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Acknowledgement postcard

Remarks

*in triplicate (Appeal Brief 6 pages, Appendix "AA" 4 pages)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Anthony V.S. England
Signature	Anthony VS England
Date	7-25-2004

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☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 330.00

Complete if Known	
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METHOD OF PAYMENT *(check all that apply)*

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	7□0	2001	3□□	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	26□	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		=	
Independent Claims		- 3** =		X		=	
Multiple Dependent						=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	$330.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

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*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 330.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Anthony V.S. England	Registration No. (Attorney/Agent)	35,129	*Telephone*	512-477-7165
Signature	Anthony V S England			*Date*	7-25-2004

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In the United States Patent and Trademark Office

In re the application of: O'Brien	)	
Filed 11/05/1999	)	Group Art Unit: 2176
For: Dynamic Parameter Modification	)	Examiner: Rachna Singh
Appl. No.: 09/434,268	)	
Appellant's Docket: JP919990716US1	)	

APPEAL BRIEF

Dear Sir:

REAL PARTY IN INTEREST

The assignee, International Business Machines Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

This is the first appeal in the present patent application. There are no other appeals or interferences known to the appellant or its legal representative. International Business Machines Corporation is the sole assignee of the patent application.

STATUS OF CLAIMS

Claims 1-21 were originally presented in the application. In a first Office action dated August 28, 2003 (the "First Office Action"), all the claims were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,476,828 B1 ("Burkett") in view of U.S. Patent 6,415,193 B1 ("Betawar").

In response to the First Office Action certain ones of the claims were amended in a reply of November 28, 2003, so that the claims more clearly point out patentable distinctions with regard to the art cited and to correct indefiniteness. Specifically, independent claims 1, 8 and 18 were amended to more clearly point out how the invention provides for the ease of creation and modification of parameters in computing systems. Claims 7 and 12-17 were canceled. Claims 22-27 were added in order to claim the invention in the form of a computer program product. Claim 28 was also added to claim a feature of the invention in the form of a computing system, as in claims 8-11.

In an Office action of February 20, 2004 (the "Final Office Action"), all the remaining claims, i.e., claims 1-6, 8-11 and 18-28, were finally rejected, again under 35 USC 103(a) based on Burkett and Betawar.

Appellant has appealed from the final rejection of the claims.[1]

STATUS OF AMENDMENTS

No claims have been allowed.

In reviewing the reply of November 28, 2003, for preparation of this Appeal Brief, Appellant has discovered that claim 27 was submitted with an incorrect reference to claim 1. The incorrect reference to claim 1 in claim 27 was not pointed out in the Final Office Action. Amendment is herein submitted to claim 27 to correct its dependency, so that claim 27 depends on claim 22 instead of claim 1. Also, Appellant has determined that claim 28 is somewhat duplicative with respect to claim 9. Consequently, claim 28 is herein canceled. Thus claims 1-6, 8-11 and 18-27 remain pending in the case.

The claims set out in Appendix "AA" herein below reflect the amendments as entered responsive to Appellant's reply of November 28, 2003, and the proposed changes submitted herein.

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[1] Notice of Appeal, received by USPTO on May 24, 2004.

SUMMARY OF INVENTION

The present invention is claimed in the form of a method, a client-server computing system, a computing device and a computer program product in independent claims 1, 8, 18 and 22, respectively. Independent claims 1, 8, 18 and 22 have similar language, each according to the forms of the invention they claim.

In all of its claimed forms, the present invention provides for the ease of creation and modification of parameters in computing systems.[2] According to the invention, a text file is created having information ("meta data") about parameters. [3] The information is presented in a graphical user interface ("GUI") having a navigator panel and an edit panel. [4] The navigator panel permits the user to view and select among the parameters graphically, and the edit panel displays attributes for a selected one of the parameters, so that the user can add to or edit the attributes. [5]

In other words, according to the present application information about parameters is structured in such a way, e.g., XML, that the parameters can be rendered as a GUI, and by the use of the GUI the information about the parameters may itself be changed. [6] Such a change is then stored in a data store by the use of a URI included in the parameter information file. [7]

According to one form of the invention, as particularly stated in claim 1, a method of maintaining parameter data includes creating a text file of meta data for parameters.[8] Also, according to the express words of the claim, the text file is represented as a GUI having a navigator panel and an edit panel, wherein the navigator panel shows, for the text file, a structure for the parameters. [9] Responsive to a user selecting one of the parameters in the navigator panel the edit panel shows the one of the parameters in a parameter field, and one or more attribute sub-fields for the selected one of the parameters, each of the sub-fields being text editable. [10] The method of claim 1 further includes the step of storing attribute text entered in any said

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[2] Present application, page 2, lines 14 and 15.
[3] Present application, page 7, lines 29 and 30, and FIG's 2 and 3.
[4] Present application, page 7, line 21 through page 8, line 2; FIG's 2 and 3.
[5] Present application, page 7, line 29 through page 8, line 2.
[6] Present application, page 11, lines 11-21; FIG's 2 and 3.
[7] Present application, page 11, lines 15-17.
[8] Present application, page 7, lines 29 and 30, and FIG's 2 and 3.
[9] Present application, page 7, line 29 - page 8, line 2, and FIG's 2 and 3.
[10] Present application, page 7, line 29 - page 8, line 2, and page 10, lines 11-14.

sub-field to a data store. [11]

This claimed arrangement is advantageous for a number of reasons. It is advantageous that it eliminates the need to create or modify application code with the introduction or modification of parameter types. [12] Instead, an XML file can be edited and reloaded while the relevant system application is still running, and the maintenance GUI dynamically re-generated to accommodate modifications and allow new parameter values to be entered. [13] Dynamic calls are made by the maintenance application to create the required database tables or binary files, instead of requiring a skilled resource (e.g. computer programer or system operator) to do this manually."). [14]

According to claim 2, the creation of the text file is performed using the Extensible Markup Language (XML).[15] Claims 10, 20 and 23 have similar language.

According to claim 3, the XML text file includes a URI that specifies a database protocol and location, and the URI is utilized in storing the attribute text that is entered in such a sub-field to a data store. [16] Claim 24 has similar language.

According to claim 4, representing the text file as a GUI includes calling any existing attribute data from the data store for the sub-fields to be displayed by the GUI.[17] Claims 9, 19 and 25 have similar language.

According to claim 5, representing the text file as a GUI is performed by use of Java code.[18] Claims 11, 21 and 26 have similar language.

According to claims 6, after representing the text file as a GUI the GUI, calls a subset of the text file corresponding to a parameter to be displayed.[19] Claim 27 has similar language.

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[11]Present application, page 11, lines 11-14.
[12] Present application, page 12, lines 1 through 13.
[13] Id.
[14] Id.
[15] Present application, FIG. 2 (XML file 160); page 7, lines 21-24; and page 8, line 19 - page 10, line 9 (example XML file).
[16] Present application, page 11, lines 11-17.
[17] Present application, page 10, line 28- page 11, line 11.
[18] Present application, page 7, line 21-27.
[19] Present application, FIG. 3 (file 160, parameter P1); page 7, line 29- page 8, line 14.

ISSUE

Are claims 1-6, 8-11 and 18-27 unpatentable under 35 U.S.C. 103(a) in view of the combination of Burkett and Betawar?

GROUPING OF CLAIMS

Solely for the purpose of this appeal, the claims stand or fall together according to the following groups:

Group 1: claims 1, 8, 18 and 22 and

Group 2: claims 2-6, 9-11 and 19-20 and 23-27.

ARGUMENT

Group 1. The Final Office Action rejects the claims on the basis that they are obvious in view of Burkett and Betawar. Appellant respectfully disagrees. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. [20]

The following remarks are best understood with reference to claim 1 in the present application, which is set out in Appendix "AA." The same discussion applies to independent claims 8, 18 and 22, which have similar language.

Burkett concerns building a GUI that can be automatically updated without recompiling. [21] Burkett teaches this is done by matching tags associated with data and tags associated with display layouts. [22] Regarding a claimed feature the present invention, i.e., *representing* as a GUI a certain text file of information about parameters, Appellant recognizes that the feature, when considered by itself, might seem analogous to dynamically *building* a GUI, wherein a file is dynamically rendered as a GUI. However, there are important differences that may be understood when the full context of the claimed feature is considered.

In reply to the First Office Action, Appellant attempted to make a distinction regarding this issue, according to which Appellant pointed out how Burkett concerns *building* a GUI, whereas the present patent application concerns *using* a GUI. [23] Appellant regrets that in the reply to the First Office Action the distinction was perhaps not adequately explained, although it is

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[20] MPEP 2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).
[21] Burkett, column 1, lines 38-42.
[22] Burkett, column 1, lines 50-58.
[23] Reply of November 28, 2003, page 6, last paragraph.

taught in the present patent application. The point about using a GUI, instead of building one, is that according to the present invention information about parameters is structured such that the parameter information can be represented as a GUI, and then the GUI is used to change the parameter information itself. [24] As stated in claim 1, the method includes " . . . representing said text file as a Graphical User Interface (GUI) having a navigator panel and an edit panel, wherein the navigator panel shows, for the text file, a structure for the parameters . . . showing in the edit panel, responsive to a user selecting one of the parameters in the navigator panel: the one of the parameters in a parameter field, and one or more attribute sub-fields for the selected one of the parameters . . ." From the foregoing portion of the claim it is clear parameter information is represented and gives rise to a GUI that is used by a user to select ones of the parameters and to display attribute sub-fields thereof. The claim goes on to say, ". . . each of said sub-fields being text editable; and . . . storing attribute text entered in any said sub-field to a data store." This portion of the claim makes it clear that the displayed GUI is also used to change the very data that gives rise to the GUI, i.e., to enter attribute text in any of the displayed sub-fields.

The Final Office Action contends that dynamically building a GUI by matching a layout to data, as taught by Burkett, is like "representing" the data as a GUI, as taught by the present patent application. [25] However, the claims of the present invention state that the GUI "represents" data in order to stress the novel arrangement taught in the present patent application and reiterated herein above, i.e., that the GUI in the present case is used to change data that is itself represented by, and gives rise to, the GUI.

Regardless of the meaning ascribed and weight given to the claim language about the GUI "representing" data in the present patent application, Burkett does *not* teach using a GUI to change data that was used to build the GUI in the first place, despite assertions to the contrary in the Final Office Action. The Final Office Action states Burkett teaches that "the data can be changed by the user, and cites Burkett column 1 and figures 6A-6F, 13A-13B and 15. [26] Likewise, the Final Office Action states Burkett teaches "accommodating modifications to allow new parameters to be edited and modified." [27] However, both these contentions beg the question

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[24] Present application, page 11, lines 11-21; FIG's 2 and 3.
[25] Final Office Action, Response to Arguments, pages 5-8.
[26] Final Office Action, Response to Arguments, page 7.
[27] Final Office Action, Response to Arguments, page 8.

of *how* the data is changed. The Final Office Action cites no teaching by Burkett or anyone else regarding using a GUI to change parameter information that is itself represented by, and gives rise to, the GUI, as claimed in the present case.

In one of the cited passages from Burkett, i.e., column 1, which is rather long and mostly not on point, the only statement Appellant finds about changing data is, "If data within a displayed GUI changes, such as the number and/or format of displayed GUI controls, the GUI must typically be modified at the code level, recompiled and then re-rendered . . . Accordingly, there is a need for GUI's . . . that can be modified without requiring code changes and recompiling." [28] This passage does not state *how* the data is changed and serves to illustrate the that the focus of Burkett is on automatic updating of GUI's, not maintaining parameter information by representing the information as a GUI and using the GUI to modify the information. The relevant portion of the other passage cited merely states, "The contents of the screen 203 and , therefore, the appearance of the GUI, may be controlled or altered by the application program 202 or the operating system 201 . . . For obtaining input . . . the operating system 201, the application program 202, or both, may utilize user input devices . . ." [29] Again, this does not relate to maintaining parameter information by representing the information as a GUI and using the GUI to modify the information, as in the present case.

Setting aside the important patentable, claimed distinction discussed above, neither Burkett nor Betawar teach or suggest a GUI having the *edit panel* structure set out in the previously amended, independent claims of the present invention. The Final Office Action artfully skirts this issue, merely stating that Burkett teaches a "means" to edit, [30] and never actually even asserts that Burkett teaches *an edit panel that shows a parameter selected in a navigator panel*, as claimed. In fact, neither of the cited references teach displaying information about parameters of a file in the manner claimed, according to which a navigator panel shows a structure for the parameters, *and then one of the parameters and its attribute sub-fields are shown in an edit panel* responsive to a user selecting the parameter, so that the user may edit the sub-fields and store the new data.

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[28] Burkett, column 1, lines 21-34.
[29] Burkett, column 9, lines 43-51.
[30] Final Office Action, Response to Arguments, pages 5-8.

For the above reasons, Appellant contends that the independent claims 1, 8, 18 and 22 are patentably distinct.

Group 2. Appellant contends claims 2-6, 9-11 and 19-20 and 23-27 are allowable at least due to being dependent upon allowable independent claims. [31]

REQUEST FOR ACTION

Based on the above arguments, Appellant requests that claims 1-6, 8-11 and 18-27 of the present application be allowed and the application promptly be passed to issuance.

Respectfully submitted,

By Anthony V S England

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ATTACHMENTS:

APPENDIX "AA" CLAIMS

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[31] MPEP 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious," citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

APPENDIX "AA"

What is claimed is:

1. (previously presented) A method for maintaining parameter data in a computing system, comprising the steps of:

(a) creating a text file of meta data for parameters;

(b) representing said text file as a Graphical User Interface (GUI) having a navigator panel and an edit panel, wherein the navigator panel shows, for the text file, a structure for the parameters;

(b1) showing in the edit panel, responsive to a user selecting one of the parameters in the navigator panel:

the one of the parameters in a parameter field, and

one or more attribute sub-fields for the selected one of the parameters, each of said sub-fields being text editable;

and

(c) storing attribute text entered in any said sub-field to a data store.

2. (original) The method of claim 1, whereby, in step (a), creation of said text file is performed using the Extensible Markup Language (XML).

3. (original) The method of claim 2, whereby said XML text file includes as URI that specifies a database protocol and location, and said URI is utilized in step (c).

4. (previously presented) The method of clam 2, comprising the further step, wherein step (b) comprises:

calling any existing attribute data from said data store for said sub-fields to be displayed by said GUI.

5. (original) The method of claim 4, whereby step (b) is performed by use of Java code.

6. (original) The method of claim 1, comprising the further step, after step (b) said GUI,

calling a subset of said text file, corresponding to a parameter to be displayed.

7. (canceled)

8. (previously presented) A client-server computing system comprising:

(a) one or more client processor machines, each having a visual display, and operating a Graphical User Interface (GUI);

(b) a server machine running an application program that utilises parameter meta data to represent data passed between said client machines and said server;

(c) a communications link between each said client and arranged such that each said client machine can communicate with said server; and

wherein said server includes a data store containing a text file of parameter meta data, and said GUI receives said text file and displays on said client machine a navigator panel and an edit panel, wherein the navigator panel shows, for the text file, a structure for the parameters and the edit panel shows, responsive to a user selecting one of the parameters in the navigator panel, the one of the parameters in a parameter field and one or more attribute sub-fields for the selected one of the parameters, each said sub-field being text editable, and further wherein any attribute text entered in a said sub-field is stored in said server data store.

9. (original) The system of claim 8, wherein said GUI also displays any existing attribute data retrieved from said data store.

10. (original) The system of claim 9, wherein said text file is created using XML.

11. (original) The system of claim 10, wherein said GUI utilises Java code to display said XML file.

12 through 17 (canceled)

18. (previously presented) A computing device comprising:

(a) processor means running an application program that utilises parameter meta data;

(b) a visual display operating a Graphical User Interface (GUI) under control of said processor means;

(c) data storage means, containing a text file of parameter meta data under the control of said processor means; and

wherein said GUI receives said text file from said data storage means and displays on the visual display a navigator panel and an edit panel, wherein the navigator panel shows, for the text file, a structure for the parameters and the edit panel shows, responsive to a user selecting one of the parameters in the navigator panel, the one of the parameters in a parameter field and one or more attribute sub-fields for the selected one of the parameters, each said sub-field being text editable, and further wherein any attribute text entered in a said sub-field is stored in said data storage means.

19. (original) The computing device of claim 18, wherein said GUI also displays any existing attribute data retrieved from said data store.

20. (original) The computing device of claim 19, wherein said text file is created using XML.

21. (original) The computing device of claim 20, wherein said GUI utilises Java code to display said XML file.

22. (previously presented) A computer program product comprising a body of computer code embodied in a computer medium for maintaining parameter data in a computing system, the computer code comprises:

(a) instructions for receiving a text file of meta data for parameters;

(b) instructions for representing said text file as a Graphical User Interface (GUI) having a navigator panel and an edit panel, wherein the navigator panel shows, for the text file, a structure for the parameters;

(b1) instructions for showing in the edit panel, responsive to a user selecting one of the parameters in the navigator panel:

the one of the parameters in a parameter field, and

one or more attribute sub-fields for the selected one of the parameters, each of said sub-fields being text editable;

and

(c) storing attribute text entered in any said sub-field to a data store.

23. (previously presented) The computer program product of claim 22, whereby, in instructions (a), creation of said text file is performed using the Extensible Markup Language (XML).

24. (previously presented) The computer program product of claim 23, whereby said XML text file includes as URI that specifies a database protocol and location, and said URI is utilized in step (c).

25. (previously presented) The computer program product of clam 23, wherein instructions (b1) comprise:

instructions for calling any existing attribute data from said data store for said sub-fields to be displayed by said GUI.

26. (previously presented) The computer program product of claim 25, wherein instructions (b) and (b1) are performed by use of Java code.

27. (currently amended) The computer program product of claim ~~1~~22, wherein instructions (b1) comprise:

calling a subset of said text file, corresponding to a parameter to be displayed.

28. (canceled)